THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No. 1847 OF 2006

01-02-2006

Between:

M/s.Exxon Mobil Lubricants Private Limited, Tada, Nellore District, rep. by its Regional Manager-Accounts.

……Petitioner

And

The Assistant Commissioner (CT) LTU, Nellore Division & Others.

…..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No. 1847 OF 2006

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned counsel for the parties.

The grievance of the petitioner is that pending appeal before the Tribunal, the application for grant of stay has been dismissed by the 3rd respondent. During the course of hearing, it is revealed that the petitioner has already paid more than 50% of the disputed tax liability and the appeal is pending before the Tribunal. In these circumstances, the stay should have been granted.

Accordingly, we allow the writ petition, set aside the order passed by the 3rd respondent and grant stay till disposal of the appeal. No order as to costs.

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(BILAL NAZKI, J)

1st February 2006

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(D. APPA RAO, J)

ajr